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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,991	02/27/2004	Paul A. Farrar	2269-5570.1US (02-1122.01	6858
24247	7590 07/13/2005		EXAM	INER
TRASK BRITT P.O. BOX 2550			GURLEY, LYNNE ANN	
	CITY, UT 84110		ART UNIT	PAPER NUMBER
	•		2812	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) **PRIMARY PATENT EXAMINER** TC 2800, AU 2812 1) Notice of References Cited (PTO-892)	(H'A)						
## Examiner Lynne A Gurley 2812		Application No.	Applicant(s)				
Lynne A. Gurley 2912	•	10/788,991	FARRAR, PAUL A.				
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estaticated for time may be available under the provisions of 3 CRF 1-138(a). In a event, however, may a reply be timely filled ### the petiod for reply specified above is less than thirty (01) stays, are period with the statutiony minimum of thirty (01) skays will be considered timely, ### the petiod for reply specified above is less than thirty (01) stays, are period will sept is 80 (90 MONTH9 from the malling date of this communication of the petiod for reply within the set or extended period for reply with, by statutory period vial gap and vial legisles (14) 90 MONTH9 from the malling date of this communication is become MARINGORED (03 U.S.C. § 133). ### Responsive to communication(s) filled on 02 April 2004. ### 2a) This action is FINAL. ### 2b) This action is final. ### 2b) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ### Disposition of Claims ### 2b) Claim(s) 1-32 is/are pending in the application. ### 3a) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. ### Disposition of Claims ### 4 Claim(s) 1-32 is/are pending in the application. ### 4 Claim(s) 1-32 is/are allowed. ### 5 Claim(s) 1-32 is/are pending in the application. ### 5 Claim(s) 1-32 is/are objected to by the Examiner. ### 5 Claim(s) 1-32 is/are objected to by the Examiner. ### 5 Claim(s) 1-32 is/are objected to by the Examiner. ### 6 Claim(s) 1-32 is/are objected to by the Examiner. ### 7 Claim(s) 1-32 is/are objected to by the Examiner. ### 7 Claim(s) 1-32 is/are objected to by the Examiner. #	Office Action Summary	Examiner	Art Unit				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filled Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filled Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filled If the partied for reply is specified above, the maximum statutory period will apply early within the statutory minimum of thirty (39) days will be considered dimely. If NO period for reply is specified above, the maximum statutory apply within the statutory minimum of thirty (39) days will be considered dimely. If NO period for reply is specified above, the maximum statutory apply within the statutory minimum of thirty (39) days will be considered dimely. If NO period for reply period exist then three mainly of the statutory minimum of thirty (39) days will be considered dimely. If NO period for reply period will be maximum statutory apply with the statutory minimum of thirty (39) days will be considered dimely. If NO period for reply period will be maximum statutory apply with the statutory dimelance of the communication. Applicant them adjustment. See 37 CFR 1.704(a). This action is FINAL. 2b) This action is non-final. 3) This action is FINAL. 2b) This action is non-final. 3) This action is FINAL. 2b) This action is non-final. 3) This action is provided and the maximum statutory apply and the conscionation is non-final. 4) Clairin(s) 1.14 Star and the maximum statutory apply and the conscionation is non-final. 4) Clairin(s) 1.14 Star and the maximum statutory apply and the conscionation is non-final. 3) The above claim(s) This action is non-final. 3) The above claim(s) This action is non-final. 4) Claim(s) 1.14 Star and the maximum statutory apply and the conscionation is non-final.	·	1 -					
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.73(a). In no event, however, may a reply be timely filed offers 50: (6) MONTHS from the mailing date of this communication. It is not become the second of the communication of the communicatio		ears on the cover sheet with the c	orrespondence address				
1) Responsive to communication(s) filed on <i>Q2 April 2004</i> . 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was a reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. & 133).				
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4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) The 200 August 2012 Attachment(s) Finance Patent Drawing Review (PTO-948) 3. □ Interview Summary (PTO-413) Paper Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. □ Interview Summary (PTO-413) Paper Note) Informal Patent Application (PTO-152)	Disposition of Claims						
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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 2/27/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Note that the US references have been considered. However, the literature documents have not been considered for the above given reasons.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1, and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen et al. (US 5,904,565, dated 5/18/99).

Nguyen shows the method as claimed in figures 1-20 and corresponding text in a damascene method with substrate 32, a dielectric 36 having a trench 40 filled selectively with metal 48 and barrier 62 which is both conductive and non-conductive (i.e., see column 6, lines 10-16; column 7, lines 40-60).

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
 - 1. Determining the scope and contents of the prior art.
 - 2. Ascertaining the differences between the prior art and the claims at issue.
 - 3. Resolving the level of ordinary skill in the pertinent art.
 - 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 2-5, 9-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al. (US 5,904,565, dated 5/18/99).

Nguyen shows the method substantially as claimed, and as shown in the previous paragraphs.

Nguyen lacks anticipation only in not teaching the materials of the dielectric, methods and details of deposition of the metal layer by implantation; formation parameters associated with deposition of the barrier including nitrogen exposure.

It would have been obvious to one of ordinary skill in the art to have taught the materials of the dielectric, methods and details of deposition of the metal layer by implantation; and, formation parameters associated with deposition of the barrier including nitrogen exposure, in the method of Nguyen, with the motivation that these associated parameters and deposition methods are conventional alternatives and produce equivalent quality devices.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the PTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne A. Gurley whose telephone number is 571-272-1670. The examiner can normally be reached on M-F 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lebentritt can be reached on 571-272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lynne A. Gurley

Primary Patent Examiner TC 2800, Art Unit 2812

LAG July 11, 2005